

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE NEW YORK TIMES COMPANY,

Plaintiff,

– against –

DEPARTMENT OF HEALTH &
HUMAN SERVICES,

Defendant.

Case No.: 20-cv-3063

DOW JONES & COMPANY, INC. and
CHRISTOPHER WEAVER,

Plaintiffs,

– against –

DEPARTMENT OF HEALTH &
HUMAN SERVICES,

Defendant.

Case No.: 20-cv-3145 (consolidated)

**PLAINTIFFS' CROSS-MOTION
FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, upon Plaintiffs' Memorandum of Law in Opposition to Defendant's Motion for Summary Judgment and in Support of Plaintiffs' Cross-Motion for Summary Judgment, dated September 14, 2020, the Declarations of Mark P. Butterbrodt, M.D. and Matthew E. Kelley, the exhibits thereto, and all prior papers and proceedings in this action, Plaintiffs shall move this Court at such time and date as set by the Court for an order (i) granting Plaintiffs' cross-motion for summary judgment; (ii) declaring that the documents sought by Plaintiffs are public under 5 U.S.C. § 552 and must be disclosed; (iii) directing Defendant to provide the requested records to Plaintiffs within 20 business days of the Court's order; (iv) awarding Plaintiffs the costs of this proceeding, including reasonable attorney's fees, as

expressly permitted by 5 U.S.C. § 552 (a)(4)(E); and (v) granting such other and further relief as the Court deems just and proper.

Dated: New York, NY
September 14, 2020

Respectfully submitted,

By: /s/ Matthew E. Kelley
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